

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(ROAD HEARING)**

January 13, 2004

5:15 PM

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance, this function being led by Alderman Osborne.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Guinta (late), Sysyn, Osborne, Porter,
O'Neil (late), Lopez, Shea, DeVries, Garrity, Smith, Thibault,
Forest

Mayor Baines advised that the purpose of the meeting was to consider a proposed discontinuance of a portion of South Bedford Street; the Board will also consider an easement related to such discontinuance.

Mayor Baines advised that the Board would hear those wishing to speak in favor of or in opposition to proposed street discontinuance petition, followed by viewing the area of the petition and determination of the action to be taken on the petition. The petition shall be addressed, at which time the Public Works Director shall be requested to make a presentation following which those wishing to speak in favor will be heard, followed by those wishing to speak in opposition. Anyone wishing to speak must first step to the nearest microphone when recognized and state his/her name and address in a clear, loud voice for the record. Each person will be given only one opportunity to speak and any questions must be directed to the Chair.

*Petition to discontinue a portion of South Bedford Street; and
easement relating to South Bedford Street area.*

Mayor Baines requested that Frank Thomas, Public Works Director, make a presentation.

Mr. Thomas stated as part of your agenda for tonight there was a plan that was included that defines the area of discontinuance that is being sought here tonight. The locating is South Bedford Street as it's turning into South Commercial Street. Also in that packet is a description of the discontinuance itself. The purpose of the discontinuance is in order to obtain a swap of right-of-ways from the abutting property owner. On this plan on the 8.5" X 11" paper you'll see a triangular piece of property that is also owned by Mr. Blouin. The City desires to obtain a right-of-way across that property for a road. The handout that you've

received tonight, the larger one, does show the proposed roadway cutting across the properties that we're supposed to pick up the right-of-way off of to provide development opportunities in the riverfront area. The formal recommendation I'd just like to read off to you for the record: "To discontinue that portion of South Bedford Street set forth in the Petition to Discontinue a Portion of South Bedford Street subject to the following conditions: 1. That easements, meeting the approval of the City Solicitor's office, be delivered to the City, or the City's designee, for the Riverfront Park Drive and for hotel parking. The discontinuance of the portion of South Bedford Street shall not become effective until said easements are recorded in the Hillsborough County Registry of Deeds. 2. That easements are expressly retained for all existing sewers, drains, water pipes or any other utilities and easements for such future sewers, drains, water pipes or any other utilities as may become desirable are expressly retained."

Mr. Thomas continued to summarize what I just said in laymen terms, we're looking at obtaining the right-of-way for future Riverfront Park Drive as I noted on the triangular piece of property and reserving existing utility easements through South Bedford Street. Also in conjunction with that recommendation, as a little add on, that the Board of Mayor and Aldermen direct that the developer work with the Highway Department and the Planning and Community Development in providing a reasonable turn around at the end of South Bedford Street and to provide an alternative pedestrian access between West Depot Street. This is not a condition; it's basically a desire to instruct the developer.

Alderman Lopez asked do we have that document that you're reading from?

Mr. Thomas answered no.

Alderman DeVries stated we are retaining the right-of-way for future utility easements. Are we putting any language in that pertaining to the costs for future utility easements?

Mr. Thomas answered no.

Alderman DeVries asked do we need to? I'm just reflecting back on the DOT language that we were required to carry and I didn't know if that is something that we need to have in ours.

Mr. Thomas stated let me turn it over to Tom [Arnold].

Deputy City Solicitor Tom Arnold answered I don't think that is necessary. Anybody who would put in future utilities would have to bear the cost as they ordinarily would.

Alderman DeVries asked so if the City requires future utilities we would have to pay a cost for the privilege to put them, even though it is built into this?

Mr. Arnold answered you would have to pay the cost of installation.

Alderman DeVries asked but not the cost for the purchase, because the easement is already there?

Mr. Thomas answered that is correct.

Alderman Porter stated when a street is discontinued, half of the discontinuance would go to one abutter and half to the other. They wouldn't necessarily own it until they acquire petition to acquire title. I notice here that the Gilford Transportation is the other abutter. Are they claiming half of Bedford Street?

Mr. Thomas replied first of all you're correct under a normal case. If it is just a street right-of-way, however, this particular right-of-way is zoned by fee through MHRA (Manchester Housing Authority), so as a result, the City does have the ability to turn over the entire portion to the requesting parting.

Alderman Porter asked so Gilford would not necessarily have any say in where that other half goes?

Mr. Thomas answered that is correct.

Alderman Thibault stated two weeks ago there was a question as to LLC coming through where the baseball area was with some of these utilities. Has that been resolved? I haven't heard if that has been resolved.

Mr. Jabjiniak asked would you please repeat the question?

Alderman Thibault replied the question was that a few weeks ago in a meeting with LLC and some of those principals, there was a question as to if in fact baseball would go along with passing these utilities through that portion of the land. Has that been resolved?

Mr. Thomas asked for our benefit could you define who LLC is?

Alderman Thibault answered well there was the developer, as I understand it. The developer beyond the park...

Mayor Baines stated Downtown Visions.

Mr. Thomas stated this is Robert Duval from Tom Moran's office who has prepared the plans that you see in front of you tonight. I think he can answer that question for you.

Mr. Duval stated I believe Alderman you're probably referring to some negotiations that are ongoing with PSNH about whether or not to put underground utilities under the roadway I that layout, or whether to keep them overhead and put them partially on railroad property and partially on this property and partially on City property. Those discussions are still ongoing, but in any event all parties agree that if necessary the utilities can go underground in the easement that's being sought here.

Alderman Thibault stated that was not my question. My question was, in fact, that at that point the baseball park area had not communicated with the developer as to if they could pass these lines, whether overhead or under-head, through that land. I want to know if that has been settled.

Mr. Thomas stated I think I know what you're asking right now. There have been some problems with communication between the various parties down in the riverfront area. Right now the developer and the stadium team owners are meeting on a regular basis to work out some of these issues. I think the main stumbling block, which was the location of the retail component of the project, has been worked out and so I think the conflicts that everybody was experiencing a week or so ago, have been resolved.

Alderman Gatsas stated the portion of South Bedford Street that's being discontinued, what is that currently zoned?

Robert MacKenzie, Planning Director answered that portion of South Bedford Street is CBD, which is the same as the riverfront stadium.

Alderman Gatsas asked does that allow for a parking lot salvage automobile impound lot?

Mr. MacKenzie answered I don't believe auto salvage areas are allowed in the CBD. Temporary storage for repair of vehicles, I know that's a fine distinction, but temporary storage for the repair of vehicles, I believe, is allowed in CBD.

Alderman Gatsas stated I had a conversation with Mr. Blouin today. His assumption is that he would be allowed to continue his impound lot on the basis of what's been taken...the exchange of his land for the closure land. Would he be able to do that there without a zoning variance?

Mr. MacKenzie answered I don't believe he needed a variance to do what he does now on that southern pie shaped piece of land, but I don't have the ordinance here. I can't tell you for sure, but I believe he would be able to do the same thing that he was doing before.

Alderman Gatsas asked but wouldn't he have been there under exception? Where he is?

Mr. MacKenzie answered I believe there were no exceptions, to my knowledge.

Alderman Gatsas stated or grand fathered is maybe a better term. Mr. Thomas is there a reason why we would not extend the closure of Bedford Street all the way down to South Commercial Street? Because it certainly looks like there are two egresses out of Mr. Bernardi's property and also Mr. Blouin's property on to South Commercial Street and it looks like that corner down by South Commercial Street by Mr. Bernardi's property, looks like it's already closed.

Mayor Baines asked Alderman just so I can clarify it, are you talking the north or the south end of it?

Alderman Gatsas replied the portion that closest to South Commercial Street. It looks like the discontinuance of the street stops right at Mr. Blouin's property, and I don't know why we wouldn't continue it all the way down so that there's a better flow of traffic.

Mr. Thomas replied it theoretically can be done. If you look at the larger plan, I think it depicts what you're saying. The new Riverfront Parkway Road will kind of sweep around in that area making the majority of that remaining right-of-way surplus to City needs.

However, the petition that did come in before us was just for the Blouin property and that's why we didn't expand on it. In the short term, they're still going to need to be accessed off from that small portion of South Bedford.

Mayor Baines asked so what you're saying if the Aldermen if through some process wanted to consider that...?

Mr. Thomas answered at a later date we certainly could.

Alderman Guinta stated looking at the residential portion, where it says 45 townhouse units, the building that's in the circle. Is that residential or is that something else?

Mayor Baines asked is this pertaining to the discontinuance Alderman? We are just dealing with the discontinuance at this hearing of South Bedford Street. The next meeting at 7:00 PM is dealing with zoning. I just want to clarify.

Alderman Guinta answered I really was just looking for a clarification. I guess technically...

Alderman Smith stated I'd like to go back and talk to Mr. Duval about his plan. Originally it was submitted in June the 23rd, and was revised January 6th. Is that correct?

Mr. Duval answered yes, that is correct.

Alderman Smith stated and originally you had a dead end with a gate, with a fence with a lock for emergency access. Is that correct.

Mr. Duval answered yes.

Alderman Smith stated now the proposal is coming in. Are we still going to have a turn around for the dead end?

Mr. Thomas replied the proposal that's in before you tonight does not call for a turn around area.

Alderman Smith stated in other words, what you sent us, is there is a reasonable turn around at the end of South Bedford Street. All it is surmising and pedestrian access. It doesn't say they have to do it, it just directs the developer.

Mr. Thomas stated that's correct and quite frankly I don't consider the need for a turn around area on South Bedford Street is an earth shaking issue. The reason being is that with this discontinuance the only people that would need access on South Bedford Street would be people from Channel 9 that wanted to get into that back area where they keep their satellite equipment and people who are going down to Mr. Blouin's property. I think with proper signage at Canal Street, noting that the area is dead end, it would keep most people from entering down there. Most vehicles such as a normal car, small pickup truck, there is a gate entering into Channel 9's property toward the end of the discontinuance, which is adequate to turn a vehicle around. That section of pavement down there is quite wide. In addition, there are other locations where if necessary during the winter months when we're plowing that we can get a plow turned around. Again, to answer your question, as it stands right now, there is no turn around area being proposed, however, we hope to continue to work with the developer and maybe provide a little bit better access potentially at that gate into Channel 9.

Alderman Smith asked what about a pedestrian access. Say if someone is coming down from Auburn Street, they come down the sidewalk, go down Depot Street, where are they going to walk coming onto South Bedford Street and down to make access into the stadium.

Mr. MacKenzie answered we have wrestled with that issue over the last week and I think we believe it is very important to provide a pedestrian access. Certainly as we see these different areas redevelop, people will want to park in the gas light district and go to a restaurant and then walk to the stadium. And we want that pedestrian connection. We've talked to developers of the gas light district to field that that is important too. The developers in this case are on such a tight timeframe, that the hotel developer has indicated that they need the discontinuance now and that the sidewalk in that particular area may be a deal breaker. That is why at this point, while I think it's extremely important to have that future

pedestrian connection, we are recommending that the Board direct the developer to seek some form of alternative pedestrian access from West Depot Street down to the stadium.

Alderman Smith stated well there is nothing concrete that says that they have to do this, read this literature. In other words, it works with the developer. It seems like there's no bearing whatsoever on it. But I'd just like to know why everything comes up at the last minute. Like with this proposal, TF Moran was on June 23rd, then it was revised the sixth of January this year. But we didn't get information. I didn't know anything about this at all from day one until I had a meeting back in December with the developer and these are the surprises you get, and we shouldn't be going through this. It seems like every week there's another adventure with this project.

Alderman Gatsas stated Mr. MacKenzie, I think that... Again, I had a conversation with Mr. Blouin and he indicated that that sidewalk issue, because of the exchange of the land area, so that he could have his impound lot, was troublesome to him. Now, I guess, there are already deals that have been struck between attorneys and I don't know if we're privy to those or we're not privy to them, but we're discontinuing a street and I guess my question to the City Solicitor is, is if we discontinue this street, and we approve it tonight and we vote on it, all control leaves our hands. Is that correct Mr. Arnold?

Mr. Arnold answered as a general rule that's correct, subject to the conditions that have been provided to you by Mr. Thomas.

Alderman Gatsas stated I would think that we should have some sort of understanding from...I don't know. Has anybody talked to Mr. Blouin? I just happened to call him today to ask him why he wanted two dead ends at both ends of his property, which didn't make any sense to me?

Mr. MacKenzie stated the developer has negotiated the agreements with Mr. Blouin. I do not believe any City staff has had discussions with Mr. Blouin.

Alderman Osborne asked isn't this subject to all of the easement, right-of-ways, even if we approve it today? It's still subject to this, isn't it?

Mr. Thomas answered subject to existing and proposed utilities, but I think the issue that Alderman Gatsas was talking about was the potential sidewalk area through the Blouin property after the discontinuance, which it wouldn't be subject to.

Mayor Baines stated it is my understanding that the sidewalk and there have been discussions in the third party through the conversations, to decide where doesn't work going through Blouin's property and that's why we're seeking approval pending the City staff and

the developers looking for some alternatives for access, which they are actively exploring. Staff has recommended that it go forward based upon that.

Alderman Porter asked when this issue of the sidewalk come up?

Mr. MacKenzie answered you have to remember that the plans have changed a number of times. Originally there were roughly three connections from this project out to Elm Street, and then I believe that was reduced to one fly-over of the railroad tracks to Elm Street, and then that eliminated, and then as the hotel engineering went underway, they negotiated with Blouin for this swap and that's when the discontinuance came out. I can't tell you when that particular date was. The first time really I reviewed it was in the middle of December, when there was a group gathering and at the next meeting after that, I think myself and others commented on the need for some pedestrian access.

Alderman Porter asked is there a map available that shows what you're discussing as far as access from Depot Street or whatever? Before me, and I apologize if this is redundant, before me I'm looking at the discontinuation of Bedford Street and you're mentioning an access from Depot Street and there's nothing here that shows that.

Mr. MacKenzie stated Mr. Thomas does have a map but it's not easily seen by the whole Board. Perhaps they could show it to you.

Alderman Gatsas stated Mr. Thomas can you tell me, and I know that everything is based on, or maybe it is Mr. MacKenzie that has to address this question. Is that when we talk about closures or altering roadways, that it is for the public's best interest. If should there be a catastrophic situation on that Commercial Street area, that would leave us no access to get in to the development from Bedford Street. Is that correct or incorrect?

Mr. MacKenzie answered I guess I would say that in an ideal world we would retain full vehicular access down South Bedford Street, because that would provide a second means of egress for this project.

Mayor Baines asked but aren't there provisions in the plans for emergency access with gates at both ends?

Mr. Thomas answered that is correct.

Alderman Gatsas asked where are those?

Mr. Thomas answered at either end of the property there would be gates that the Fire Department could open up for access.

Alderman Gatsas asked Mr. Blouin is aware of these gates? Mr. Duval is he aware of those gates that have entry to his property?

Mr. Duval asked your question is if Mr. Blouin is aware?

Alderman Gatsas answered yes.

Mr. Duval answered yes. The understanding was that he would be allowed to gate his property and another understanding that I've always had, although I've not spoken directly to Mr. Blouin about this, but the developers have always understood that emergency vehicles would be allowed to traverse these gates for emergency situations.

Alderman Gatsas stated that's not the conversation I had with Mr. Blouin today. His idea of a gated back location is for access of tow trucks to bring those vehicles in that would bring them to that impound lot. That's his understanding. No access of emergency vehicles that somebody can get in there and access it. That was his understanding that he gave me today.

Mayor Baines stated that is not the understanding that has been presented to us by the developers.

Alderman Lopez stated Frank or Bill, in negotiations with whatever you are privy to, to let us know here. In closing this, you mentioned something that this could be a deal breaker. I don't know which one that did. Could you enlighten us, because I think that in reading the document that we try to do everything and cooperate, do you perceive in cooperation here that we're giving anything away I the long run as far as emergency exists or other avenues for the gas light district?

Mr. MacKenzie answered we had discussions with several different members of the development groups. There are different groups that feel that some type of pedestrian access or emergency access through there would be useful. At this point, the critical link in the whole process, however, is the hotel and we met with the hotel yesterday. Hotel representatives basically said that they have designed there plan, they had looked at alternatives that we had offered them, but that they have no other alternatives right now and they have to proceed with this plan as proposed.

Alderman Lopez asked Mr. Arnold, have you reviewed the agreements as far as whether or not if we took any certain action such as closing as recommended, is that in violation of any contract with the hotel or the master agreement?

Mr. Arnold answered I haven't reviewed the agreement in that context. If your question is if you vote to discontinue, would that violate the agreements? I don't believe so. If your

question is whether failing to vote to discontinue would violate the agreements? I would have to review them again carefully.

Mr. MacKenzie asked could I just offer one more comment on emergency access. I know I did indicate that it would be my druthers in an ideal world to have South Bedford Street open, but there will be a second emergency access into this general area and that will be from the south along the Riverwalk. That section is being designed to accommodate a fire truck or a police care in from the south, down where the southern Riverwalk starts. The Police Department had been very strong in advising we have that southerly emergency access and that is being designed as part of the project.

Alderman Osborne asked it is Mr. Bernardi and Mr. Blouin that have these two properties and then we have WMUR off from there. Once we discontinue this land from one end to the other, like you said, there won't be anybody half-and-half, it's not that type of a situation? They would be obtaining all of that street?

Mr. Thomas answered that is correct.

Alderman Osborne stated so let's say in the future that WMUR would like to take a portion of that Bedford Street as well as these other two, and let's say that they put a fence across Mr. Bernardi's...there's land locking that could be done here in the future unless we denied WMUR. That property as well.

Mr. Thomas replied I don't think Mr. Bernardi would be affected because he's got frontage...

Alderman Osborne interjected no, Mr. Blouin would. If WMUR decided to put a fence there someday. Let's say some day that they obtain that property on Bedford Street...

Mr. Thomas stated okay I see what you're saying. There would be access still to the Blouin property from the new roadway going...the Riverfront Parkway. But yes, off from Canal Street if the Board decided to discontinue that portion of South Bedford Street...

Alderman Osborne interjected I guess we couldn't. I'm not saying in this situation, if we were to discontinue this small portion here, I'm sure the Board is not going to go ahead and discontinue the rest of Bedford Street onto Canal Street, because there would be no access for Mr. Blouin in that direction.

Mr. Thomas stated that is correct in that direction. He would still have access out onto the Riverfront Parkway.

Alderman Osborne stated plus the fact that Mr. Bernardi could also put a fence across where his lot line is and that would block off Mr. Blouin's coming off from Commercial Street.

Mr. Thomas stated no. If you take a look at the proposed plan, you'll see that there is going to be a City street that wraps around here. On that plan if you see the street, South Commercial Street is the one that has the divided roadway and then it swings down and around. That will be a public roadway so those two properties will have frontage abutting that public roadway.

Alderman Osborne stated there will be another small access way coming off from this loop, onto the Blouin property.

Mr. Thomas replied that is correct.

Alderman Osborne stated I was just checking for land lock.

Mr. Thomas replied no, they won't be landlocked. If the Board discontinued the rest of South Bedford Street east of Channel 9 and gave the property to Channel 9 without reserving some kind of right-of-way for Mr. Blouin across that area, then yes, he would be blocked off.

Alderman Gatsas stated I guess the problem I have is that we're in the middle of a deal here and City staff hasn't looked at any negotiations or contracts with either Mr. Blouin or Mr. Bernardi. They understand that there's a accessway in there, that there's no accessway in there, that there's fire gates, that there's anything else, I would think that at least staff should be privy to what's being negotiated when we're asking to give up the discontinuance of a street. I would think.

Alderman Thibault asked, Your Honor, in a project like this doesn't there have to be fire lane throughout the whole area?

Mr. Thomas answered the Riverfront Development Project will have fire access both from the north and south and then into each of the development areas. So like behind the hotel, they'll be access for emergency vehicles and also down at the high-rise and townhouses there will be access around those units.

Alderman Thibault asked Frank, where are we talking about the impound lot?

Mr. Thomas answered again, we are discontinuing that portion of South Bedford Street abutting Mr. Blouin's property, he in turn is going to fence that area off and he's going to use part of that area for storage of vehicles that he tows in...

Alderman Thibault asked strictly as an impound lot?

Mr. Thomas answered he's going to be able to use it for whatever he wants, but the indication is that he's going to use it for storage of vehicles. Right now the area that we're looking to acquire a right-of-way through, that triangular portion that I mentioned, he stores vehicles on that location. So he's basically just swapping the storage of those vehicles.

Alderman Lopez stated I think we ought to move on because we still have to go out and take a look at this and I think we have to listen to someone else.

Mayor Baines called for those wishing to speak in favor.

William Orcutt, 130 William Gannon Road, stated I'm an attorney at Wiggin & Noury on Market Street. I represent Nick Bernardi. I think you all have a copy of the plan I'm holding up. Nick Bernardi owns the small of the two buildings at the lower right of the plan abutting South Commercial Street. I would like you to keep in mind when you're considering this issue; there are a total of four businesses in Nick Bernardi's building. There is Tri State Enterprises, which is Nick's business, there is a Dancewear Boutique, a hairstylist, and there is a dance studio down there. To the north of Nick's small building and also to the south facing the baseball stadium is parking with a total of 45 vehicles, and because of these four businesses, a lot of people come and go. We have no objection to the discontinuance, although from what's been said so far there are lots of other issues that are most important. We have no objection to the discontinuance provided a decent access is left for Nick's building. As things stand now, customers for these four businesses come in both by way of South Commercial Street and make a left into Nick's building, or they come from South Bedford Street and make a right. He has told me that he can get along having all of the customers for the various businesses have their access by way of South Commercial Street, but you see the difficulty is after this discontinuance there's going to have to be a relocation or a new layout of South Commercial Street and that issue is not yet before this Board. We would like to work with the City or whoever is involved in the layout of the South Commercial Street to the Riverfront Parkway, so that Nick and his tenants will be left with a good ingress and egress.

Robert Duval stated I have not been involved directly in negotiations with Mr. Blouin, but I have discussed the plan with him and I have discussed the plan with Mr. Bernardi. I've also discussed this plan with the Fire Chief and the Police Chief and of course with Frank Thomas. And it seems to be general agreement among all of the parties, they can of course speak for themselves, but my understanding is that there's general agreement that this discontinuance be made, that the land swap be effected, provided that the land is available and fully usable by Mr. Blouin. In Mr. Bernardi's case that at least the first part of the Commercial Street Extension be constructed so that his new driveway can be extended to the new street so that vehicles can continue to turn around and back into and out of his property without any difficulty. Because, as it is right now, his driveway is very tight up against the

Blouin line. So as long as the road is constructed beyond his driveway so that a truck can turn into his lot, he's acceptable with that. So I would recommend that perhaps that condition be considered as part of the discontinuance and also that when I had my discussions with the Fire Chief and Police Chief, it was the understanding that emergency vehicles responding to an emergency situation would be able to traverse that property and that's perhaps an important consideration as well. But I strongly feel that the Board should support this discontinuance because it's a key element in getting the rest of this project going. It's something that's been on the agenda for some time now and now with the deadlines of construction upon us, it is important that we continue to move ahead.

Mayor Baines called for those wishing to speak in opposition.

Billy Dodd, 181 Mammoth Road, stated I'm kind of half way in opposition and half way just to ask some questions, because I'm totally confused here. Am I to assume that Mr. Blouin's impound lot right now is on Lot 937?

Mayor Baines answered yes.

Mr. Dodd continued I just heard a term that was used called land swap. Is he giving up that land to the ballpark, so that he can move some auto storage over on the discontinued portion of Bedford Street? Is that the game plan?

Mayor Baines answered it's really for the hotel property. Mr. Dodd, why don't we use this forum, put all of your questions forward then we'll make sure someone answers them.

Mr. Dodd continued so basically you're going to have one way in and out of the ballpark area and that's it? The Riverfront Parkway is going to be the only way in, so people coming out of the condos back here, retail, and a ballpark when a game is getting out at the same time, they are all going to be clogging to get out through one stop light. It seems to me like you would want to keep an access open for people that don't want to go over Granite Street, that live on the east end to come through here on South Bedford and back up Canal and get out. I don't know why you're giving up a street for that. So we're giving up City property of South Bedford Street and Mr. Blouin's giving up property over here to the hotel developer and that's the land swap that we're having. Is that correct? I think you're shooting yourself in the foot by only having one way in and one way out. There was talk about that there was going to be an entrance on the southern end of the river walk? On this map, where does that exist? I don't see it. I don't think you should discontinue South Bedford Street.

Mr. Thomas stated just a couple of comments in response to the issues that were raised. First of all, we're not giving this land to the hotel site. What's going on there, the majority of

what's going on that parcel is the Riverfront Parkway, the public roadway. Second thing is, there will be emergency access from the south from Queen City Bridge across Byron Street, through Tyson's property and then up along a widened riverfront walkway until you get into the residential development. So there will be a second means of emergency access. And also, the reason for one roadway, per say, is that the site is very, very tight trying to fit in the private development along with the baseball stadium and the main entrance of the baseball stadium is going to be over closer to the river and the boat ramp as show on this plan.

Alderman Guinta asked are we going to have an opportunity to hear from Mr. Blouin?

Mayor Baines asked Mr. Blouin, would you like to speak?

Mr. Blouin replied no.

On motion of Alderman Thibault, duly seconded by Alderman Roy, it was voted to recess the hearing and proceed to view the area of the petition presented.

Mayor Baines called the meeting back to order at the site of the petition.

*Upon viewing
Petition to discontinue a portion of South Bedford Street and related easement*

Public Works Director Frank Thomas gave a brief description at the site of the portion of South Bedford Street requested to be discontinued.

Alderman DeVries noted concern for future right-of-ways on the Bernardi and Blouin properties.

Alderman Roy asked who would pick up the cost of the pedestrian walkway?

Mr. Thomas answered there will be a cost for the City associated with the pedestrian walkway.

Alderman DeVries asked will there be costs associated with the Public Service Company of New Hampshire easement?

Mr. Arnold noted that there may be other costs associated with future easements.

Alderman Thibault asked is there money in the riverfront account to cover these costs?

Mr. Thomas answered no. The roadway is part of the development project.

Mayor Baines reminded that this road hearing is only for the discontinuance of a portion of South Bedford Street and there will be other votes required of the Board on other items related to the riverfront development.

Alderman O'Neil moved to approve the discontinuance of that portion of South Bedford Street set forth in the Petition to Discontinue a of Portion of South Bedford Street subject to the following conditions:

- 1 That easements meeting the approval of the City Solicitor, be delivered to the City, or the City's designee, for the new Riverfront Park Drive and for hotel parking. The discontinuance of the portion of South Bedford Street shall not become effective until said easements are recorded in the Hillsborough County Registry of Deeds.
- 2 That easements are expressly retained for all existing sewers, drains, water pipes or any other utilities and easements for such future sewers, drains, water pipes or any other utilities as may become desirable are expressly retained.

and that the Board of Mayor and Aldermen direct that the developer work with the Highway Department and the Planning & Community Development Department in providing a reasonable turn around at the end of South Bedford Street and to provide an alternative pedestrian access between West Depot Street and the Stadium; and further that such easements referenced be accepted by the City subject to the review and approval of the City Solicitor. The motion carried with Aldermen Gatsas and Garrity duly recorded in opposition. Alderman Smith was duly noted absent from the viewing and vote on the action.

This being a special meeting of the Board, no further business was presented, and on motion of Alderman Thibault, duly seconded by Alderman Forest, it was voted to adjourn.

A True Record. Attest.

City Clerk